

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
UNITED STATES OF AMERICA,	:	
	:	13 Cr. 31-02 (LGS)
Plaintiff,	:	
	:	
-against-	:	
	:	<u>ORDER</u>
BONIFACIO FLORES-MENDEZ,	:	
	:	
Defendant,	:	
-----	X	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, Defendant filed a letter dated February 4, 2022, seeking compassionate release or the reduction of his sentence of imprisonment for a total term of life pursuant to 18 U.S.C. § 3582(c)(1)(A).

WHEREAS, Defendant requested the appointment of counsel to help him with his motion.

WHEREAS, “there is no statutory right to counsel under the Criminal Justice Act in connection with a § 3582(c) motion, and . . . the provision of such counsel should rest in the discretion of the district court.” *United States v. Cirineo*, 372 F. App’x 178, 179 (2d Cir. 2010) (summary order) (citing *United States v. Reddick*, 53 F.3d 462, 464-65 (2d Cir. 1995)); accord *United States v. Dussard*, No. 16 Crim. 673-2, 2020 WL 6263575, at \*3 (S.D.N.Y. Oct. 23, 2020). The merits of a motion for compassionate release are a “significant factor in the exercise of that discretion.” *Reddick*, 53 F.3d at 465 n.2; accord *Dussard*, 2020 WL 6263575, at \*3.

WHEREAS, the Government filed a response in opposition to Defendant’s motion on March 14, 2022. It is hereby

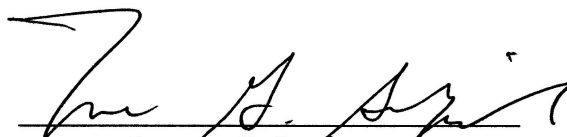
**ORDERED** that Mr. David Esseks, CJA counsel on duty today, is appointed for the limited purpose drafting and filing a renewed motion for a sentence reduction and/or compassionate release on behalf of Defendant. It is further

**ORDERED** that by **March 30, 2022**, the parties shall file a joint letter proposing a schedule for briefing the renewed motion. It is further

**ORDERED** that the current motion for compassionate release is denied without prejudice.

The Clerk of the Court is directed to mail a copy of this Order to the Defendant at Bonifacio Flores Mendez, Reg. Number: 92005-054, USP Hazelton, U.S. PENITENTIARY, P.O. BOX 2000, BRUCETON MILLS, WV 26525, and to close the motion at Dkt. No. 459.

Dated: March 16, 2022  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**